

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

v.

21-CR-177 (JLS) (JJM)

RAYMOND BROOKS,

Defendant.

DECISION AND ORDER

Defendant Raymond Brooks is charged in a five-count Indictment with possession and production of child pornography, enticement of a minor, and cyberstalking. *See* Dkt. 1. On October 28, 2021, this Court referred the case to United States Magistrate Judge Jeremiah J. McCarthy to hear and determine, and report and recommend on, all pre-trial proceedings under 28 U.S.C. §§ 636(b)(1)(A) and (B). Dkt. 5.

On June 20, 2023, Brooks filed an omnibus pretrial motion seeking, among other things: (1) suppression of physical evidence and statements, (2) a hearing pursuant to *Franks v. Delaware*, 438 U.S. 154 (1978), and (3) dismissal of the production of child pornography charges. *See* Dkt. 54. On July 5, 2023, the government responded in opposition to Brooks' motion and cross-moved for reciprocal discovery. *See* Dkt. 56.

On August 3, 2023, Judge McCarthy issued a Report, Recommendation, and Order ("R&R"), recommending that this Court deny Brooks' motions for suppression of physical evidence and statements, a *Franks* hearing, and dismissal of the child

pornography production charges. Dkt. 58. He further granted the government's cross-motion. Dkt. 58. Neither party filed objections, and the time to do so has expired.

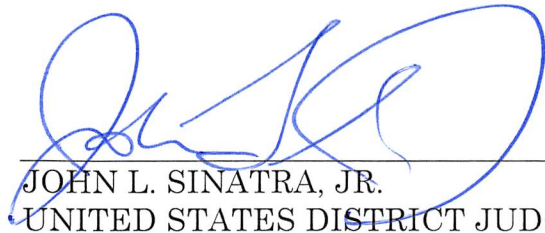
A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Criminal Procedure 59 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

Though not required to do so, this Court reviewed Judge McCarthy's R&R and the relevant record. Based on that review, and absent any objections, the Court accepts and adopts Judge McCarthy's recommendation.

For the reasons stated above and in the R&R, the Court DENIES Brooks' motions for suppression of physical evidence and statements, a *Franks* hearing, and dismissal of the child pornography production charges. *See* Dkt. 54.

SO ORDERED.

Dated: August 25, 2023
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE